

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

MEDICAL ASSURANCE OF  
WEST VIRGINIA, INC., a  
West Virginia corporation,

Plaintiff,

v.

CIVIL ACTION NO. 2:04-0432

UNITED STATES OF AMERICA,

Defendant.


**MEMORANDUM OPINION AND ORDER**

Pending before the court are Plaintiff's Motion for Summary Judgment [Docket 32] and Defendant's Cross-Motion for Summary Judgment [Docket 34]. The deadline for filing dispositive motions in this matter was July 22, 2005. Plaintiff filed their Motion for Summary Judgment on July 25, 2005. Defendant filed their Cross-Motion for Summary Judgment on August 2, 2005. Both motions were filed after the dispositive motion deadline and are untimely. Thus, the court **DENIES** the Plaintiff's Motion for Summary Judgment and the Defendant's Cross-Motion for Summary Judgment as untimely.

Also pending before the court are Defendant's Motion for leave to File Memorandum of Points and Authorities in Support of the United States' Opposition to Plaintiff's Motion for Summary Judgment and Cross-Motion for Summary Judgment [Docket 35] and Plaintiff's Motion to Strike Cross Motion by United States of America for Summary Judgment [Docket 37]. Because of the above judgment, the court **DENIES** these motions as moot.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER:        October 18, 2005



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE